



**MARYLAND DEPARTMENT OF DISABILITIES
FISCAL YEAR 2022 JOINT OPERATING BUDGET HEARINGS
RESPONSE TO DEPARTMENT OF LEGISLATIVE SERVICES ANALYSIS**

February 11, 2021

**SENATE BUDGET & TAXATION COMMITTEE
HEALTH AND HUMAN SERVICES SUB-COMMITTEE
Senator Melony Griffith, Chair**

**HOUSE APPROPRIATIONS COMMITTEE
HEALTH AND SOCIAL SERVICES SUB-COMMITTEE
Delegate Kirill Reznik, Chair
Delegate Geraldine Valentino-Smith, Vice Chair**

Thank you for the opportunity to appear before the Committee today as you review the proposed budget for the Maryland Department of Disabilities (MDOD) for FY 2022. We would like to thank our assigned DLS analyst, Ms. Grace Pedersen, for her thorough analysis.

Agency Responses

Page 6 Personnel Data:

MDOD should comment on when it expects to fill four long-term vacant positions.

Prior to the Pandemic, MDOD was in the final stages of the recruitment process for two of the four positions. However, we were unable to complete these actions due to the State implemented hiring freeze that took effect on April 10, 2020. The vacant positions mentioned in the analysis along with an update on each are as follows:

1. Administrator II, formerly of the PROMISE Program;

MDOD is in the process of reviewing our options for re-programming the vacant Administrator II position which was formerly under the expired federally funded PROMISE Program.

Current options include assigning it to the federally funded MD TAP program to expand our Assistive Technology demonstration and loan activities or the special funded Telecommunications Access of Maryland (TAM) program to support the creation and administration of the Deaf-Blind Interpreter Program. MDOD will make this determination by the end of fiscal 2021 and expects to fill the position in the first quarter of fiscal 2022.

2. Assistive Technology (AT) Clinician, MD TAP;

MDOD submitted the AT Clinician PIN to Classification for study this past November after several unsuccessful recruitments. A Contract employee is currently carrying-out the duties of the position. We expect to fill the position through a Contractual conversion in late May or early June after the classification study is complete and we have received a Hiring Freeze Exemption (HFE).

3. Fiscal Administrator, TAM - MDOD received an HFE for this vacancy and has posted the position on the State's job posting website. Interviews will start in March and we expect the position will be filled by mid-April; and

4. MD Accessible Telecommunications Specialist (MAT), TAM - MDOD also received an HFE for the MAT Specialist position the past November. A contractual staff person has been carrying out the essential duties of the position since October of 2020 and it will be filled on April 1, 2021 through a contractual conversion.

Page 8 Key Observations:

The Department of Legislative Services recommends committee narrative requesting that MDOD submit information describing the planned progression of the initiative and the guideline document.

Please see response as detailed below.

Page 9 Recommended Actions:

Adopt the following narrative and provide a Statewide Information Technology Accessibility Initiative Update by July 1, 2021.

We respectfully support the recommended action with amendments, which we address after each bullet point.

The Non-Visual Access (NVA) clause has been in existence in Maryland since 1998. As Ms. Pederson points out in the analysis under the section titled *Key Observations*, the clause was recently revised in Chapter 682 of 2018. The revision required the Department of Information Technology (DoIT) to adopt new non-visual procurement standards to further the State's efforts to provide people with disabilities a level of non-visual access that allows them to utilize the same services and obtain the same information as users without disabilities. Chapter 682 of 2018 also confirmed DoIT's role as the agency responsible for monitoring and ensuring compliance with Non-Visual Access.

Consistent with our mission to provide advocacy and guidance to construct State service delivery systems that are seamless, responsive and coordinated, MDOD established the Statewide Non-Visual Access Initiative to assist DoIT in the execution of their responsibilities under the NVA. MDOD devoted one full-time staff person in 2019 to the initiative and created a broad strategy centered on evaluation, outreach, training and technical assistance to augment DoIT's existing staffing and resources. The department assigned a second position in April of 2020 to increase our ability to conduct accessibility trainings, remediate inaccessible documents and respond to requests for technical assistance while attempting to refine and detail our overall strategy with clear benchmarks.

Two major challenges have slowed our momentum towards laying out a long-term plan for the initiative as well as providing information to the level of detail requested in the 2020 JCR. First, COVID-19 and the State of Emergency that followed occurred just as we had added a second staff person to the initiative. The impact of the Pandemic on MDOD operations as well as that of all State agencies is significant. Since March, staff dedicated to NVA compliance have focused the majority of their efforts assisting in the State's response to the Pandemic. Similarly, staff at DoIT who were previously charged with working on NVA compliance have had to redirect their attention to COVID related matters. Second, primary responsibility for IT procurements transferred from DoIT to the Department of General Services State Procurement Office (DGS SPO) in late 2019. As a result, a much more involved level of coordination than originally anticipated between DoIT, DGS SPO and MDOD has been required to both identify and implement best practices that will help ensure the procurement of accessible technology. The Pandemic has challenged the ability of all three agencies to devote significant time and resources to this aspect of the NVA initiative.

As highlighted in the analysis, MDOD continued to carry out a number of NVA Initiative activities in fiscal 2020 and 2021 in spite of the significant challenges previously mentioned. We are hopeful that in fiscal 2022 staff will be able to shift their full attention back to supporting DoIT in carrying out the State's non-visual access regulations.

As the Maryland Department of Disabilities continues to develop its Statewide Information Technology Accessibility Initiative Update, the committees request that MDOD submit the following:

- a timeline with specific milestones that the initiative is planned to achieve in fiscal 2022 through 2025;

MDOD concurs.

- a guideline document for State agencies to use when developing requests for proposals that are compliant with information technology accessibility standards;

MDOD concurs with amendment; due date September 30, 2022.

The creation of an accurate and useful guideline document requires close collaboration with DoIT and DGS OSP staff. As previously mentioned, this has proved challenging during the Pandemic as staff across all agencies have had to prioritize responding to COVID specific issues.

The suggested deadline will give MDOD staff and our partners the time needed to complete and implement a guideline document while taking into account equally important but competing priorities.

- an assessment of the current nonvisual accessibility of State websites and documents, including summary of MDOD’s preliminary findings regarding commonly found barriers to nonvisual accessibility of State websites and documents;

MDOD concurs with amendments; replace ‘State evaluated websites at the time of review, including a summary of MDOD’s preliminary findings regarding commonly found barriers to nonvisual accessibility of State websites’.

The State’s digital footprint is both large and dynamic making it impossible to assess the current nonvisual accessibility of all State websites; especially those we have not had the opportunity to review. MDOD also recommends removing “documents” from this section of the narrative. PDF document review and remediation is a separate and distinct activity and can take anywhere from 30 minutes to eight hours to complete depending upon the complexity of the document. MDOD has consistently communicated that document accessibility will be addressed in this initiative through training and technical assistance. We suggest alternative language dealing with document accessibility in the last bullet point listed below.

- the proportion of State websites and documents that are anticipated to be evaluated by June 30, 2022.

MDOD concurs with amendments; remove “documents.”

As mentioned above, ongoing widespread document evaluation is not part of MDOD’s strategy. The number of documents produced by State agencies number in the hundreds of thousands. MDOD suggests an alternative strategy for dealing with document accessibility in the last bullet point below that we feel maximizes our limited staff resources.

- the proportion of State websites and documents that are anticipated to be accessible by June 30, 2022.

MDOD concurs with amendments; proportion of State websites under DoIT’s purview that are anticipated to have improved accessibility and remove “documents.”

Website accessibility is a moving target. For example, a website can be made inaccessible a few hours after it has been evaluated and remediated for accessibility if new content is added incorrectly.

Responsibility for ensuring State agency compliance around website accessibility rests with DoIT. MDOD’s role is to support DoIT in that effort through evaluation, training and technical assistance. While achieving and maintaining 100% accessibility across all agency websites may be unattainable, we can monitor progress and help improve overall accessibility scores. DoIT has recently prioritized the creation of a new website template that incorporates key elements of accessibility, which they expect to roll out at the end of fiscal 2021. The objective of this project is to improve the base level of template

accessibility so that when it is applied to all DoIT managed websites, maintaining accessibility will be more consistent. MDOD will help improve accessibility scores and reduce the number of significant violations on sites utilizing the template by completing manual testing reports and furnishing them to DoIT for remediation. As previously mentioned, MDOD suggests in the last bullet point an alternative strategy for dealing with document accessibility that we feel maximizes our limited staff resources.

- the amount of funding designated for the initiative in fiscal 2022, including personnel costs; the costs of conferences, seminars, trainings, membership dues; and any other costs associated with the initiative;

MDOD concurs.

MDOD has indicated in past responses to DLS inquiries that funding designated for this initiative in fiscal 2021 and 2022 is limited to the personnel costs associated with the IT Accessibility Coordinator and IT Accessibility Evaluator positions. We will provide any updates or changes in our July 1, 2021 response.

- an estimate of out-year costs for the initiative in fiscal 2023 and 2024; and

MDOD concurs.

MDOD suggests including the following alternative language to address document accessibility:

- provide an assessment of the additional document accessibility training opportunities that will be provided in fiscal 2022 as compared to fiscal 2020 and 2021.

To complete this assessment, MDOD will target DoIT managed websites and sample test a pre-determined number of documents for accessibility on each site in order to gauge the state of document accessibility. MDOD will then offer targeted training to agencies based on the results. This method allows us to assist DoIT's NVA compliance effort while making the most efficient use of our limited staff resources.